

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT APPLICATION OF LOUISVILLE GAS &	)	
ELECTRIC COMPANY AND KENTUCKY	)	
UTILITIES COMPANY FOR CERTIFICATES OF	)	
PUBLIC CONVENIENCE AND NECESSITY FOR	)	CASE NO.
THE CONSTRUCTION OF A COMBINED	)	2014-00002
CYCLE COMBUSTION TURBINE AT THE	)	
GREEN RIVER GENERATING STATION AND A	)	
SOLAR PHOTOVOLTAIC FACILITY AT THE	)	
E.W. BROWN GENERATING STATION	)	

ORDER

The matter is before the Commission upon a motion for intervention filed by Robert S. Chatham ("Movant") on February 28, 2014. Movant states that he is a customer of Louisville Gas and Electric Company ("LG&E") and that he is a professional engineer who has over 25 years of experience in the power industry, including the siting, construction, and operation of several large combined-cycle natural gas-fired combustion-turbine plants and six large-scale solar plants. In light of his professional background and experience, Movant states that he would be able to bring relevant information to the Commission's consideration and that no other party to these proceedings would be able to represent his interest.

On March 7, 2014, LG&E and Kentucky Utilities Company (collectively "Joint Applicants") filed a response objecting to Movant's motion for intervention. Joint Applicants contend that Movant does not have a special interest in this case that is not otherwise adequately represented. Joint Applicants argue that Movant's interest as a ratepayer and customer of LG&E is already adequately represented by the Attorney

General (“AG”), who is a party to these proceedings. Joint Applicants further contend that Movant is not likely to present issues or develop facts that will assist the Commission in its consideration of this matter without unduly complicating or disrupting the proceedings. Joint Applicants assert that although Movant has set forth certain credentials relating to the power industry, he has not established that he has expertise and knowledge on the critical issues that the Commission will have to consider and determine in this case, i.e., whether the Joint Applicants properly evaluated and identified a need for the proposed projects and whether the proposed projects were the best solution to meet that need.

In analyzing Movant’s motion to intervene, the Commission finds that the only person that has a statutory right to intervene is the AG pursuant to KRS 367.150(8)(b). The AG petitioned for full intervenor status in this case, noting in his motion that KRS 367.150(8) “grants him the right and obligation to appear before regulatory bodies of the Commonwealth of Kentucky to represent consumers’ interests.”<sup>1</sup> The AG’s petition was granted by the Commission’s Order dated February 6, 2014. Intervention by all others is permissive and is within the sound discretion of the Commission.<sup>2</sup>

In exercising its discretion to determine permissive intervention, the Commission follows its regulation, 807 KAR 5:001, Section 4(11). That regulation requires a person seeking intervention to file a request in writing which “shall state his or her interest in the case.”<sup>3</sup> That regulation further provides that:

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<sup>1</sup> AG’s Motion to Intervene at 1.

<sup>2</sup> Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky, 407 S.W.2d 127, 130 (Ky. 1996).

<sup>3</sup> 807 KAR 5:001, Section 4(11)(a).

The commission shall grant a person leave to intervene if the commission finds...that he has a special interest in the case that is not otherwise adequately represented or that his intervention is likely to present issues or develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.<sup>4</sup>

It is under these statutory and regulatory criteria that the Commission reviews a motion to intervene.

Having reviewed the pleadings and being otherwise sufficiently advised, the Commission finds that Movant did not articulate a special interest in this proceeding. Although Movant states that he is an LG&E customer, we find that any interest in this proceeding related to his status as a customer is a general interest that Movant shares in common with all other LG&E customers, and such interest is otherwise adequately represented by the AG. In addition, the Commission finds that Movant has not shown that he is likely to present issues or develop facts that will assist the Commission in fully considering this matter. Because the requisites to 807 KAR 5:001, Section 4(11) have not been satisfied, the Commission will deny Movant's request for intervention.

Movant will have ample opportunity to participate in this proceeding, even though he is not granted intervenor status. Movant can review all public documents filed in this case and monitor the proceedings via the Commission's website at the following web address: [http://psc.ky.gov/efs/efs\\_search.aspx?case=2014-00002](http://psc.ky.gov/efs/efs_search.aspx?case=2014-00002).

The Commission notes that Movant may file comments as frequently as he chooses, and that those comments will be entered into the record of this case. Additionally, the Commission will provide Movant an opportunity to present any information that he wishes for the Commission to consider in this matter at the

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<sup>4</sup> 807 KAR 5:001, Section 4(11)(b).

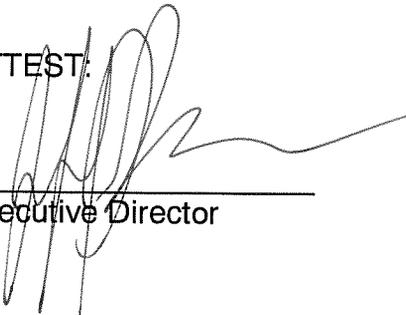
beginning of the formal evidentiary hearing to be held on July 8, 2014, at 10:00 a.m. Eastern Daylight Time, in Hearing Room 1 of the Commission's offices.

IT IS THEREFORE ORDERED that Movant's motion to intervene is denied.

By the Commission

ENTERED <sup>4</sup>  
MAR 18 2014  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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